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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,160

09/11/2003

Mark D. Chuey

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06/07/2005

BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,160

Applicant(s)

CHUEY ET AL.

Examiner

Kiet Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/23/05, 12/16/04, 12/1/04, 5/13/04, 5/10/04, 4/1/04, 2/1/04, 1/21/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui (Pub. No. 2002/0163440) in view of Farris et al. (Patent No. 6,025,785).

Consider **claims 31**, Tsui teaches a programmable control for an appliance, the appliance responding to one of a plurality of transmission schemes, the programmable control comprising: a transmitter operative to transmit a radio frequency activation signal based on any of the plurality of transmission schemes; a user programming input (Abstract, Page 2, Paragraph 20-22, 25-26, Fig.1, No.100, Illustrate as programmable control). Tsui teaches the limitation of claim **but fail to teach** and control logic in communication with the transmitter and the user programming input, the control logic implementing a rolling code programming mode, a fixed code programming mode and an operating mode, the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme, the control logic in fixed code programming mode receiving a fixed code from the user programming input then generating and transmitting a sequence of fixed code activation signals until user input indicates a successful fixed code transmission scheme, the control logic pausing for a

preset amount of time between the transmission of each activation signal in at least one of the sequence of rolling code activation signals and the sequence of fixed code activation signals, the preset amount of time sufficiently long to permit the user to respond and, if the user has not responded by the end of the preset amount of time, the control unit transmitting the next activation signal in the transmitted sequence of activations signals.

In an analogous art, Farris teaches "Multiple code formats in a single garage door opener including at least one fix code format and at least one rolling code format". Further, Farris teaches and control logic in communication with the transmitter and the user programming input, the control logic implementing a rolling code programming mode, a fixed code programming mode and an operating mode, the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme (C4, L14-18, C11, L44-67, C12, L46-65), the control logic in fixed code programming mode receiving a fixed code from the user programming input then generating and transmitting a sequence of fixed code activation signals until user input indicates a successful fixed code transmission scheme (C6, L35-53, C7, L6-14), the control logic pausing for a preset amount of time between the transmission of each activation signal in at least one of the sequence of rolling code activation signals and the sequence of fixed code activation signals, the preset amount of time sufficiently long to permit the user to respond and, if the user has not responded by the end of the

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preset amount of time, the control unit transmitting the next activation signal in the transmitted sequence of activations signals (C7, L15-59, C8-L26-40, C9, L31-61).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tsui and Farris system, such that programmable control to transmit a radio frequency activation signal based on any of the plurality of transmission schemes as rolling/fixed code, to provide means for users can operated in a variety manufacture device/remote control.

Consider **claim 32**, Farris teaches the system wherein the user responds by selecting one of a plurality of activation inputs (C3, L24-36).

Consider **claim 33**, Farris teaches the system wherein the control unit stores characteristics of the last transmitted activation signal in association with the selected one of the plurality of activation inputs (C9, L31-61, C11, L45-67).

Consider **claim 34**, Farris teaches the system wherein the control logic in the operating mode determines which one of the plurality of activation inputs has been asserted and transmits an activation signal based on the stored characteristics associated with the asserted activation input (C9, L5-31).

Consider **claim 35**, Tsui teaches a method of activating an appliance, the

appliance controlled by a radio frequency activation signal (Abstract, Page 2, Paragraphs 20-21, Fig.1, No.130 as appliance).

Farris teaches the method comprising: if a user indicates that the appliance is activated by a rolling code activation signal, transmitting a sequence of different rolling code activation signals (Fig.1, No.30 as rolling code activated signal), each rolling code activation signal in the sequence of rolling code activation signals separated from a next rolling code activation signal in the sequence of rolling code activation signals by a preset amount of time, the sequence of rolling code activation signals transmitted until the user indicates a successful rolling code transmission, then storing data representing a rolling code scheme used to generate the successful rolling code transmission (C4, L14-67, C5, L15-39, C11, L44-67, C12, L46-65); if the user indicates that the appliance is activated by a fixed code activation signal, using a fixed code word to generate and transmit each of a sequence of different fixed code activation signals, each fixed code activation signal in the sequence of activation signals separated from a next fixed code activation signal in the sequence of fixed code activation signals by the preset amount of time, the sequence of fixed code activation signals transmitted until the user indicates a successful fixed code transmission, then storing data representing the fixed code word and a fixed code scheme used to generate the successful fixed code transmission (C6, L35-61, C7, L6-14, C8, L26-40); and in response to an activation input, generating and transmitting an activation signal based on stored data (C9, L5-31).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tsui and Farris system, such that

appliance control to transmit/receive via radio frequency activation signal based on any of the plurality of transmission schemes as rolling/fixed code, to provide means for users can operated in a variety manufacture device/remote control.

Consider **claim 36**, Tsui teaches the method wherein the activation input is one of a plurality of activation inputs, the user associating data representing one of either the rolling code scheme used to generate the successful rolling code transmission or the fixed code scheme used to generate the successful fixed code transmission associated with one of the plurality of activation inputs (Page 2, Paragraph 19-20, Page 4, Paragraph 40).

Consider **claim 37**, Tsui teaches the method wherein the activation input is one of a plurality of activation inputs, the user associating data representing the rolling code scheme used to generate the successful rolling code transmission with one of the plurality of activation inputs by indicating the successful rolling code transmission (Page 2, Paragraph 19-20, Page 5, Paragraphs 44-46).

Consider **claim 38**, Tsui teaches the method wherein the activation input is one of a plurality of activation inputs, the user associating data representing the fixed code word and the fixed code scheme used to generate the successful fixed code transmission with one of the plurality of activation inputs by indicating the successful fixed code transmission (Page 2, Paragraph 19, Page 4, Paragraphs 36-38).

Consider **claims 39**, Tsui teaches a method of programming a programmable remote control, the remote control programmable to one of a plurality of appliance activation schemes (Page 2, Paragraphs 19-22), the method comprising: receiving user type input specifying activation signal type; if the user type input specifies variable code type, transmitting variable code activation signals spaced apart by a preset amount of time until receiving user success input indicating a target appliance has been activated (Page 2, Paragraph 23, Page 3, Paragraph 34-35, Page 4, Paragraph 36-41);

Farris teaches if the user type input specifies fixed code type, receiving user fixed code input providing a fixed code and transmitting fixed code activation signals spaced apart by the preset amount of time until receiving user success input indicating the target appliance has been activated (C6, L35-61, C7, L5-14); and storing information specifying an activation signal for activating the target appliance based on the received user success input; wherein the preset amount of time is sufficiently long enough to permit a user to generate the user success input (C6, L35-61, C7, L6-14, C8, L26-40).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tsui and Farris system, such that remote control programmable to transmit/receive via radio frequency activation signal based on any of the plurality of transmission schemes as rolling/fixed code, to provide means for users can operated in a variety/different manufacture device.

Consider **claim 40**, Tsui teaches the method further comprising associating the stored information with one of the plurality of activation inputs (Page 1, Paragraph 9).

Consider **claim 41**, Tsui teaches the method wherein the one of the plurality of activation inputs is determined by the received user success input (Page 2, Paragraph 22-23).

Consider **claim 42**, Tsui teaches a system for wirelessly activating an appliance, the appliance responding to one of a plurality of transmission schemes (Fig.1, No.100 as described), the system comprising: a radio frequency transmitter; memory holding data describing the plurality of transmission schemes; and control logic in communication with the transmitter and the memory (Page 2, Paragraphs 20, 25-26), the control logic operative to (a) store a fixed code, (b) if a fixed code is stored, transmit a sequence of fixed code activation signals, based on the fixed code and data held in the memory, until input indicating activation of the appliance is received, each transmission of a fixed code activation signal in the sequence of fixed code activation signals followed by a fixed code sequence time period without transmission long enough to permit a user to enter the input indicating activation of the appliance (Page 4, Paragraphs 36-38 teach store different code which including fixed code), (c) if no fixed code is stored, transmit a sequence of rolling code activation signals, based on data held in the memory, until input indicating activation of the appliance is received, each transmission of a rolling code activation signal in the sequence of rolling code activation signals followed by a rolling code time period without transmission long enough to permit the user to enter the input indicating activation of the appliance (Page 4,

Paragraphs 37-38, 40), (d) store an indication as to which activation scheme activated the appliance based on the received input indicating activation of the appliance, and (e) generate an activation signal based on the stored indication and a received activation input (Page 2, Paragraphs 25-26).

Consider **claim 43**, Tsui teaches a method of programming a programmable remote control, the remote control programmable to one of a plurality of appliance activation schemes (Abstract, Page 2, Paragraph 20, Fig.1, No.100 as programmable remote control), the method comprising: transmitting a test activation signal based on one of the plurality of appliance activation schemes (Page 2, Paragraphs 22-23); if user input indicating appliance activation is received during a preset amount of time following transmission of the test activation signal (Page 4, Paragraph 41), storing characteristics of the activation scheme used to transmit the test activation signal (Page 1, Paragraph 9); otherwise, transmitting a different activation signal as the test activation signal based on another of the plurality of appliance activation schemes if any of the activation schemes in the plurality of activation signals has not been used to transmit an activation signal (Page 2, Paragraphs 21-24).

Consider **claim 44**, Tsui teaches the method wherein the user input is one of a plurality of activation inputs (Page 3, Paragraph 34 teach transmitter having preselected frequency/formats means as plurality of activation inputs)

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Consider **claim 45**, Tsui teaches the method wherein the characteristics of the activation scheme used to transmit the test activation signal are stored in association with the one activation input (Page 3, Paragraphs 2223, 25-26).

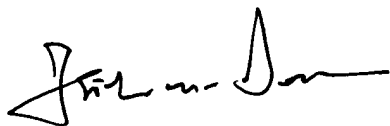
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent Examiner



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600